

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.749 OF 2006
IN
WRIT PETITION NO.1104 OF 1997

Nayankumar Ramchandra Nakhare
and Ors. ..Petitioners

Vs.

Municipal Corporation of
Greater Mumbai and Ors. ..Respondents

...
Ms.Bina Dholakia counsel for Petitioners
Mr.Mahesh Londhe i/b M/s.Sanjay Udeshi & Co.
for Respondent Nos.6 and 7
Ms.T.H.Puranik counsel for M.M.C.
...

**CORAM: DR.S.RADHAKRISHNAN AND
SMT.V.K.TAHILRAMANI, JJ.
DATE : DECEMBER 20, 2006**

P.C.

1. Mentioned. Not on board. Rule. By consent,
Rule is made returnable forthwith.

2. Heard the learned counsel for the Petitioners
and the learned counsel for the Respondents. By
this Notice of Motion, the Petitioners are seeking
to recall of our order dated 16.11.2006 whereby the
petition was dismissed for default. We have
perused the affidavit in support of Notice of

Motion. For the reasons stated in the affidavit, sufficient cause has been made out. There is no inaction, negligence or want of bonafide. Hence, the petition is restored to file. Rule is made absolute in terms of prayer clause (a). Place the Writ Petition on board for hearing on 22nd January, 2007.

[DR.S.RADHAKRISHNAN, J.]

[SMT.V.K.TAHILRAMANI, J.]